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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,781

01/25/2006

Naoki Taki

07057.0116-00000

7614

22852

7590

09/18/2008

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,781	TAKI, NAOKI	
	Examiner	Art Unit	
	Dalena Tran	3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-46 and 50-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-29, 34-46 and 50-58 is/are rejected.
- 7) ☒ Claim(s) 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/25/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10565781	1/25/06	TAKI, NAOKI	07057.0116-00000

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WASHINGTON, DC 20001-4413

EXAMINER

Dalena Tran

ART UNIT	PAPER
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3664	20080911
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

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DETAILED ACTION

Notice to Applicant(s)

1. This office action is response to the elected response on 8/14/08, the elected with traverses group 1 (claims 25-46, and 50-58) have been considered. Claims 47-49, and 59-61 should be cancelled.

Claims 25-46, and 50-58 are pending.

The prior art submitted on 1/25/06 has been considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25-29, 34-46, and 50-58, are rejected under 35 U.S.C.103(a) as being unpatentable over Saito et al. (US 2002/0044049 A1) in view of Ogura et al. (US 2004/0186687 A1).

As per claim 25, Saito et al. disclose a vehicular diagnostic method, comprising:
determining whether a failure has occurred in a device mounted in a vehicle; transmitting a first failure information that specifies the failure that is determined to have occurred, from the vehicle to a communications center (see the abstract; and [0063-0068]); receiving the first failure information at the communications center, whereupon a first countermeasure information, which provides countermeasures for the failure specified in the first failure information, is prepared; transmitting the first countermeasure information from the communications center to the vehicle

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(see [0009]; and [0069-0070]). Saito et al. do not disclose second failure information.

However, Ogura et al. disclose receiving the first countermeasure information at the vehicle, whereupon the vehicle notifies a user of the vehicle of the countermeasures provided in the first countermeasure information and proceeds to collect details regarding the failure for transmission in a second failure information which specifies the collected details regarding the failure; transmitting the second failure information from the vehicle to the communications center (see the abstract; [0061-0065]); receiving the second failure information at the communications center, whereupon the collected details regarding the failure specified in the second failure information, are checked and a second countermeasure information, which provides detailed countermeasures for the failure, is prepared; transmitting the second countermeasure information from the communications center to the vehicle (see [0008-0011]; and [0089-0091]); and receiving the second countermeasure information at the vehicle, whereupon the vehicle notifies the user of the detailed countermeasures provided in the second countermeasure information (see [0014-0019]; and [0092-0093]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Saito et al. by combining second failure information for diagnosing and maintenance vehicle system.

As per claim 26, Saito et al. disclose upon receiving the first failure information, the communications center transmits the first failure information to a computer provided at an automobile dealer that services the vehicle, which prepares the first countermeasure information in response to the first failure information and transmits the prepared first countermeasure information to the communications center (see [0010]). Saito et al. do not disclose second failure information. However, Ogura et al. disclose upon receiving the second failure

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information, the communications center transmits the second failure information to the computer at the automobile dealer, which prepares the second countermeasure information in response to the second failure information and transmits the prepared second countermeasure information to the communications center (see [0008-0011]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Saito et al. by combining second failure information for diagnosing and maintenance vehicle system.

As per claim 27, Saito et al. disclose it is determined that a failure has occurred in the device mounted in the vehicle when an alarm lamp, which illuminates when an abnormality has occurred in the device mounted in the vehicle, illuminates; and the first failure information indicates that the alarm lamp has illuminated (see [0009]).

As per claim 28, Saito et al. disclose the collected details regarding the failure specified in the second failure information include at least one of sensor information from various sensors mounted in the vehicle, operation state information of the device mounted in the vehicle, and self-diagnosis information from the device mounted in the vehicle (see [0013]).

As per claim 29, Ogura et al. disclose transmitting an information transmission request, which requests the vehicle to transmit the second failure information, from the communications center after the first failure information has been received; and receiving the information transmission request at the vehicle, whereupon the vehicle transmits the second failure information to the communications center (see [0021-0026]).

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As per claim 34, Ogura et al. disclose the details regarding the failure to be collected for transmission in the second failure information are related only to the failure specified in the first failure information (see [0049-0052]).

As per claims 35-36, Saito et al. disclose the vehicle transmits the first failure information at predetermined intervals of time, when transmitting the first failure information to the communications center two or more times, and the center receives the first failure information at predetermined intervals of time, when receiving the first failure information from the vehicle two or more times (see [0059-0062]).

As per claims 37-38, Ogura et al. disclose the vehicle transmits the second failure information at predetermined intervals of time, when transmitting the second failure information to the communications center two or more times, and the center receives the second failure information at predetermined intervals of time when receiving the second failure information from the vehicle two or more times (see [0053-0056]).

As per claim 39, Saito et al. disclose storing at least the first failure information, from among the first failure information and second failure information, transmitted from the vehicle to the communications center; and providing at least the first failure information stored at the communications center to an external terminal device requesting at least the first failure information (see [0014-0018]; and [0051-0052]).

Claims 40, and 44, are system claims corresponding to method claim 25 above. Therefore, they are rejected for the same rationales set forth as above.

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Claim 41, and 44, are system claims corresponding to method claims 39, and 25 above.

Therefore, they are rejected for the same rationales set forth as above.

Claims 42-43, and 45-46, are system claims corresponding to method claims 27-28 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 50, and 55, are system claims corresponding to method claims 25 and 34 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 51, and 60, are system claims corresponding to method claim 39 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 52-54, and 56-58, are system claims corresponding to method claims 27-28 above. Therefore, they are rejected for the same rationales set forth as above.

4. Claims 30-33, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. Sonnenrein et al. (US 2005/0154500 A1)

. Hanson et al. (US 2002/0156558 A1)

. Lewis (US 2005/0038579 A1)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The

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examiner can normally be reached on M-W (in a first week of a bi-week), and T-R (in a second week of bi-week) from 7:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalena Tran/
Primary Examiner, Art Unit 3664
September 14, 2008

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